

Testimony on Senate Bill 142: Montana Public Health Emergency Act

By Jane Smilie, MPH, Administrator, Public Health & Safety Division, DPHHS

Introduction

Good morning Madame Chair Rice and members of the committee. My name is Jane Smilie and I am the Administrator for the Public Health and Safety Division of the Department of Public Health and Human Services. Thank you for the opportunity to address this committee today on Senate Bill 142 — the Public Health Emergency Act. I'd like to express my thanks to Senator Lind for sponsoring this legislation and to all of our partners in health and emergency response that helped craft this bill.

I am going to describe:

- Why this legislation is needed to protect the health and safety of Montanans
- Some of the key provisions proposed in this bill, and
- How we created this bill draft.

As Senator Lind indicated, a variety of recent events have provided the impetus and a significant amount of resources to improve the ability of state and local governments to respond to crises. In the public health arena, this effort began with examining and strengthening our ability to detect and respond to threats of bioterrorism, the possibility of pandemic influenza, as well as new and re-emerging infectious diseases, and health issues that can develop during natural disasters.

We need this legislation because:

- at present clear legal authority and responsibility to prepare for and to respond to these kinds of events does not exist in Montana.
- it is critically important that public health and medical professionals provide leadership in an event that involves infectious disease or other life threatening health conditions.
- it emphasized two characteristics that are essential to a successful response to any emergency: preparation and coordination.

Key provisions of the bill include the following:

- a definition of and process for declaration of a public health emergency;
- development of a public health emergency plan;
- powers and authorities of government during a declared public health emergency; and
- reciprocity and immunity for volunteer health care workers.

1) The bill defines a public health emergency and allows one to be declared by the Governor - after consultation with relevant state and local agencies. A public health emergency is defined in New Section 2 and is intended to encompass only events with significant potential for harm to a large portion of Montana's population. Such events will require greater resources than any local jurisdiction possesses and will require state coordination.

The bill allows for declaration of a public health emergency by the Governor in Section 5, after consultation with those impacted. It also allows for simultaneous declaration of a public health emergency with a non-public health emergency or disaster. This is important in the event that an emergency due to an act of nature, such as a flood, escalates into a concurrent public health emergency.

2) The bill calls for proactive planning and a coordinated response to a public health emergency.

Since 9/11, federal guidance and funding has promoted the necessity of coordination of efforts to minimize duplication of federal, state, and local planning, preparedness, and response activities. Section 3 of the bill delineates the elements of a state public health emergency plan to be completed by the DPHHS in coordination with all of the appropriate partners. The plan must be consistent with existing emergency response plans at the state and local level, and would in fact, become a volume of the larger statewide Disaster and Emergency Services plan already required under Title 10.

What this bill **does not do** is create a separate system of response by public health agencies. Throughout this bill, collaboration and coordination between and among appropriate state, local, and tribal public health and disaster and emergency services agencies are required.

3) The bill provides powers and authorities for government to take action during a public health emergency.

The bill grants the same powers to the Governor during a declared public health emergency, as he or she would have in any other emergency or disaster. Aside from a few specific public health references, the authorities are similar to those granted in the event of other emergencies. In addition, it designates DPHHS as the lead coordinating agency during a declared public health emergency, again, with an emphasis on integration with Disaster and Emergency Services, local public health agencies, and other relevant agencies.

4) The bill provides for reciprocity and immunity for volunteer health workers. This proposed legislation allows for recognition of interstate licensure for volunteer health care and public health professionals, and provides immunity for volunteer health care providers in emergency situations. To ensure public safety, the recognition of licenses involves registration and review to verify credentials and standing of the license. This addition to Title 10 helps ensure we can easily utilize specialized assistance from our neighbors. These particular provisions could be used in a disaster or emergency as already defined in Title 10, or in a public health emergency as proposed in this bill.

Several years of work and a large amount of input from stakeholders and the public went into creating this bill. The Department worked with a committee of medical, legal, public health, and emergency response personnel, as well as policymakers and others. We consulted with experts in public health law from Georgetown and Johns Hopkins Universities. We used model legislation, the Model Public Health Act, created by the national public health organizations as a guide to assess our statutes.

We discussed the proposed legislation with the following groups:

- MACO at district and statewide meetings
- Interim legislative committees
- Montana Public Health Association
- Montana Environmental Health Association
- Montana Board of Nursing
- Montana County Attorneys
- Montana Board of Medical Examiners at a meeting that included Montana Nurses Association, Montana Medical Association and Montana Hospital Association
- Montana Disaster and Emergency Services
- Association of Montana Public Health Officials

We held public meetings to discuss this legislation in **Miles City, Glasgow, Billings, Bozeman, Kalispell, Helena, Butte, Great Falls and Missoula**. The following groups passed formal resolutions in support of this legislation: Montana Association of County Officials; Montana Public Health Association; Montana Board of Nursing; Montana Board of Medical Examiners.

Our work continued even after the initial draft of this bill was created. We worked with local health departments and the local DES coordinators to clarify several issues. Specific concerns were addressed by amendments offered by Senator Lind. A senate subcommittee, chaired by Senator Esp worked with state and local public health and DES representatives and additional amendments were included. We are comfortable that this bill has the key elements to ensure a coordinated and effective response and reflects the substantial involvement of key partners.

Closing

In closing, SB142 will help ensure the public health system is prepared to respond to a public health emergency, exceeding local response capabilities or likely to significantly impact another jurisdiction. Further, SB142 ensures our response is coordinated other local and state agencies, their plans and procedures. Recent events have shown that the only adequate response to a grave emergency is through intensive planning and coordination of the persons and entities with expertise to offer. The threat of a public health emergency is real and the essential elements of an adequate response are addressed in this bill. I'd be happy to answer any questions or address any concerns of the committee. Thank you.

RESOLUTION 2006-36

PUBLIC HEALTH STATUTE MODERNIZATION PROJECT

It is the intent of the Montana Association of Counties to support the modernization of Montana's Public Health Statutes.

WHEREAS, Montana's public health statutes are outdated and in need of updating to reflect current public health practice; and

WHEREAS, Over the last several years, Montana public health, medical and legal professionals, as well as policy makers have thoroughly reviewed and analyzed Montana's public health statutes and determined key areas in need of updating. These include the following:

- **A basic purpose statement for the public health system** -- There is no specific reference in Title 50 of the Montana Code Annotated to the critical role and essential functions of the public health system in protecting and promoting the health of Montanans.
- **Major public health powers of state and local public health agencies** -- Much of the language that describes the major public health powers of state and local agencies is outdated and vague and may not support current public health actions when implemented.
- **Defined standards for conditions of public health importance** -- Montana statutes and administrative rules focus on communicable disease control and sanitation, however, there is no general guidance for addressing diseases or conditions of current and future public health importance.
- **Public health emergencies** -- Specific powers and authorities of state and local public health agencies in a public health emergency need to be delineated. Additional issues, such as the ability to utilize health professionals that are not licensed or credentialed in the state during an emergency, should also be examined.; and

WHEREAS, two pieces of legislation will be introduced in the 2007 Montana Legislature. One will revise basic public health powers and authorities, the other public health emergency planning and response; and

WHEREAS, it is a goal of the Montana Association of Counties to promote a strong public health system that assures the necessary programs, services and protections to keep our citizens Healthy.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties supports the modernization of Montana's Public Health Statutes.

SPONSOR: Health & Human Services & Labor Committee

RECOMMENDATION: Do Pass

PRIORITY: High

REFERRED TO: Health, Human Services & Labor Committee

ADOPTED: Annual Conference, Bozeman, MT
September 27, 2006



Governor Brian Schweitzer

Montana
Department of Labor and Industry
Business Standards Division

BOARD OF MEDICAL EXAMINERS

January 19, 2007

Jane Smilie
Administrator
Public Health and Safety Division
1400 Broadway Rm B102
PO Box 202951
Helena MT 59620-2951

Re: SB 142, The Public Health Emergency Act

Dear Ms. Smilie:

The Montana Board of Medical Examiners takes this opportunity to express its support for the Department of Public Health and Human Service's proposed bill, "The Public Health Emergency Act".

With this legislation, the Department's Public Health and Safety Division has taken an important step in addressing increasing needs for emergency preparedness. The bill requires public health emergency plans with provisions for necessary powers and duties in emergencies. The Board of Medical Examiners supports the requisite licensure recognition or registration of out-of-state volunteer health care providers, including public health professionals, and associated immunities afforded volunteers.

The Board of Medical Examiners appreciates your coming to its meeting of December 2006 to explain the purpose of the bill and to seek feedback from a stakeholder in matters pertaining to the health, safety and welfare of Montana's.

Sincerely,

//S//

Micheal Lapan, DPM
President

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Governor Brian Schweitzer

Montana

Department of Labor and Industry

Business Standards Division

January 18, 2007

Jane Smilie
Administrator
Public Health and Safety Division
1400 Broadway, Rm B102
PO Box 202951
Helena, MT 59620-2951

Re: SB 142, The Public Health Emergency Act

Dear Ms. Smilie:

The Montana Board of Nursing takes this opportunity to express its support for the Department of Public Health and Human Service's proposed bill, "The Public Health Emergency Act".

With this legislation, the Department's Public Health and Safety Division has taken an important step in addressing increasing needs for emergency preparedness. The bill requires public health emergency plans with provisions for necessary powers and duties in emergencies. The Board of Nursing supports the requisite licensure recognition or registration of out-of-state volunteer health care providers, including public health professionals, and associated immunities afforded volunteers.

Being proactive now in this important arena of public health law will pay future dividends to the public as ever-changing threats to public health and safety present themselves. The Department's vigilance is to be commended.

The Board of Nursing appreciates your coming to its meeting of October 2006 to explain the purpose of the bill and to seek feedback from a stakeholder in matters pertaining to the health, safety and welfare of Montanans.

Sincerely,

A handwritten signature in cursive script that reads "Susan Raph, MN, RN".

Susan Raph, MN, RN, CNAA, BC
President, Montana Board of Nursing

MONTANA PUBLIC HEALTH ASSOCIATION

P.O. Box 511 Choteau, MT 59422

"Envisioning healthy people in healthy communities throughout Montana"

January 29, 2007

Hon. Dan Weinberg, Chair
Public Health, Welfare and Safety Committee Members
Committee Members
State of Montana Senate
Helena, MT 59620

Dear Senator Weinberg and Public Health, Welfare and Safety Committee Members,

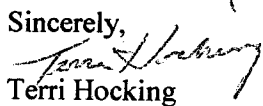
The Montana Public Health Association (MPHA) would like to thank you for considering Senate Bill 142 in committee, and we express our wholehearted support for passage of the Montana Public Health Emergency Act. We appreciate Senator Greg Lind for sponsoring this legislation, and the Montana Department of Public Health and Human Services for requesting the measure, in collaboration with numerous state, local and Tribal emergency response partners.

MPHA encourages passage of this Act. It would facilitate important cooperation and collaboration among local and state agencies during a public health emergency, and define the parameters of a public health emergency and how response integrates into "all hazard" disaster response plans. SB 142 passage would help ensure that Montana's public health system is prepared to respond to a public health emergency that exceeds local response capabilities or is likely to significantly impact another jurisdiction.

The Montana Public Health Association (MPHA) is a diverse membership of individuals and organizations advocating for optimal public health best practice standards for all Montanans. MPHA facilitates educational and professional growth opportunities, networking and mentoring, and collaborative relationships for members and partners. MPHA joins with other organizations on specific issues to strengthen the voice of public health and advance legislation to support the people of Montana.

Again, thank you for considering SB 142 in committee. Our organization looks forward to working with you on this and other important public health initiatives in the future. If you have any questions, please do not hesitate to contact Lora Wier, MPHA Past President, MPHA Advocacy Committee Chair, at (406) 466-2562 or health@3rivers.net, or visit the MPHA website at www.mtpha.com

Sincerely,


Terri Hocking
President

Cc: Senator Greg Lind
Montana DPHHS